

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This proposed rulemaking updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring have been expanded and will be required weekly. The Herring Harvester Permit reporting requirements have been expanded and will be required daily. The Menhaden Harvester Permit has been introduced and will be required daily during the quota fisheries and weekly during the small scale fishery.

Date, time and location of PUBLIC HEARING (*if any*): January 27, 2020, at 4:00 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta. Snow date: January 31, 2020, at 4:30 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta.

COMMENT DEADLINE: February 10, 2020

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

NAME: Amanda Ellis

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None

STATUTORY AUTHORITY FOR THIS RULE: §6173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

* Check one of the following two boxes.

X The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
 (authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line
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DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.10 Primary Buyer Permit Reporting

C. Additional data elements and requirements for specific fisheries:

2. Herring: ~~must report document or serial number of harvester report; and price/lb or total value on a trip level basis~~

Any Primary Buyer shall report weekly to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.

Dealers must provide the following information:

1. Dealer ID
2. Trip start date
3. Landing date
4. Harvester ID
5. Vessel ID (Hull ID)
6. Gear Type
7. Species, market size and grade
8. Quantity and unit
9. Disposition
10. Daily price per unit
11. Port landed

8.20 Harvester Reporting

M. ~~Intentionally blank~~ Menhaden Harvester Permit

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Menhaden Harvester Permit under that license must submit daily catch reports during the state and episodic fisheries; and, weekly catch reports during the small scale fishery. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the Menhaden Harvester Permit must report for each license they hold. Reports are required even if the menhaden caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity

7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

Menhaden reports are not required from menhaden carrier vessels.

R. Herring Harvester Permit

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Herring Harvester Permit under that license must submit daily weekly catch reports during June 1 and September 30; and, monthly outside of the season. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the Herring Harvester Permit must report for each license they hold. Reports are required even if the herring caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

- ~~1. Reporting week number~~
- ~~2. Negative reporting period if no harvesting activity occurred~~
- ~~3. Total pounds kept~~
- ~~4. Total pounds discarded~~
- ~~5. Federal fishery management area where the fish were caught~~

~~The reporting week begins Sunday at 0001 hrs (12:01 am) and ends Saturday at 2400 hrs (midnight). Weekly Atlantic herring catch reports must be submitted by midnight Tuesday for the previous week. The weekly report does not exempt the license holder from their Commercial Pelagic and Anadromous Fishing license report (in section P above). Atlantic herring reports are not required from Atlantic herring carrier vessels.~~

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 13-188- Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program

STATUTORY AUTHORITY: 12 M.R.S. § 6173

DATE AND PLACE OF PUBLIC HEARING(S): January 27, 2020, at 4:00 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta. Snow date: January 31, 2020, at 4:30 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta.

COMMENT DEADLINE: February 10, 2020

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

This proposed rulemaking updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring have been expanded and will be required weekly. The Herring Harvester Permit reporting requirements have been expanded and will be required daily. The Menhaden Harvester Permit has been introduced and will be required daily during the quota fisheries and weekly during the small scale fishery.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This proposed rule is expected to streamline the reporting process for both harvesters and buyers, and aid in better quota monitoring by DMR resource management staff.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Information to support these changes were offered through feedback from DMR Landings Program staff and also the Bureau of Marine Patrol.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[*see* §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]

BENEFITS OF THE RULE: [*see* §8057-A(2)(C)]

Note: If necessary, additional pages may be used